

Message Text

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PAGE 01 GENEVA 00660 01 OF 02 291831Z

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ACTION SS-25

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R 291745Z JAN 76

FM USMISSION GENEVA
TO SECSTATE WASHDC 7855
INFO AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMEMBASSY TOKYO
USMISSION USUN

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 0660

EXDIS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS - GROUP OF FIVE HEADS OF DELEGATION MEETING

1. SUMMARY. GROUP OF FIVE HEADS OF DEL AGREED ON OUTLINE OF PROCEDURAL POINTS THEY WILL MAKE WITH CONFERENCE LEADERS REGARDING ORGAIZATION OF SPRING SESSION OF LOS CONFERENCE. ALSO AGREED THAT COMMITTEE THREE EXPERTS HERE IN GENEVA, AND COMMITTEE ONE EXPERTS IN NEW YORK NEXT WEEK, WOULD WORK ON OUTSTANDING DIFFERENCES BETWEEN US. QUESTION OF ANOTHER HEADS OF DEL MEETING BEFORE MARCH 15 LEFT OPEN. END SUMMARY.

2. THE FOLLOWING OUTLINE, WITH SOME RESERVATIONS, GENERALLY CONSTITUTES THE APPROACH GROUP WILL TAKE IN TALKING TO CONFERENCE LEADERS ABOUT PROCEDURE. AMB LEARSON UNDERTOOK TO TALK TO AMB AMERSINGE.

BEGIN OUTLINE

A. GUIDELINES

1. THE GOAL OF THE SPRING SESSION SHOULD BE TO ACHIEVE WIDESPREAD AGREEMENT ON ALL MAJOR OUTSTANDING ISSUES. EFFORTS SHOULD BE MADE TO PREVENT A STALEMATE IN NEGOTIATION AND EFFORTS TO ACHIEVE A CONSENSUS BECAUSE SOME STATES OR GROUPS PERCEIVE THAT OTHERS ARE HOLDING
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PAGE 02 GENEVA 00660 01 OF 02 291831Z

BACK IN THE BELIEF THAT THE TIME IS NOT RIPE FOR NEGOTIA-

TIONS.

2. FORMAL AMENDMENTS OF DELEGATIONS TO THE SNT AND FORMAL DEBATE WOULD BE INAPPROPRIATE. THEY WOULD HAVE THE EFFECT OF MOVING THE CONFERENCE BACKWARD TOWARD A PROLIFERATION OF TEXTS AND POSITIONS.

3. THE INTER-RELATIONSHIPS BETWEEN ISSUES MAKE IT NECESSARY THAT THE CONFERENCE MOVE FORWARD AT A PARALLEL, IF NOT EXACTLY SIMULTANEOUS, PACE ON THE ISSUES DEALT WITH IN ALL FOUR TEXTS. FINAL DECISIONS CANNOT BE TAKEN ON ITEMS IN ISOLATION, ALTHOUGH EACH COMMITTEE AND GROUP SHOULD BE ENCOURAGED TO MOVE AS QUICKLY AS POSSIBLE TOWARD COMPLETION OF ITS WORK.

4. THE PRESIDENT AND THE RESPECTIVE CHAIRMEN OF THE MAIN COMMITTEES, WITH SUCH ASSISTANCE AS IS APPROPRIATE, MUST TAKE AN ACTIVE ROLE IN MOVING THE CONFERENCE CLOSER TO CONSENSUS. THEY SHOULD RECEIVE SUGGESTIONS AS TO THE MEANS FOR ACHIEVING THIS, BOTH IN OPEN-ENDED INFORMAL MEETINGS AND PRIVATE CONSULTATIONS. TAKING INTO ACCOUNT THE IMPORTANCE OF PRESERVING EVEN TENTATIVELY NEGOTIATED COMPROMISES AMONG STATES CONCERNED, AMENDMENTS TO THE SNT SHOULD COME FROM THE CHAIR.

B. SUGGESTED PROCEDURES

IN ORDER TO PREVENT PROCEDURAL DEBATE, THE PRESIDENT SHOULD, AFTER CONSULTATION WITH THE COMMITTEE CHAIRMEN AND OTHERS, ANNOUNCE THE PROCEDURES FOR THE SPRING SESSION AT THE OUTSET. THE FOLLOWING ARE SUGGESTED:

1. EMPHASIS SHOULD BE PLACED ON INFORMAL PROCEDURES AND NEGOTIATIONS.

2. ALL DELEGATIONS SHOULD ASSIST THE PRESIDENT AND COMMITTEE CHAIRMEN IN PREPARING INFORMAL SETS OF AMENDMENTS TO THE INFORMAL SNT THAT MOVE THE CONFERENCE CLOSER TO GENERAL AGREEMENT. IT IS UNDERSTOOD THAT ALL SUGGESTIONS WILL BE MADE FOR THE PURPOSE OF ACHIEVING A CONSENSUS, AND WILL NOT BE MERELY A RESTATEMENT OF NATIONAL POSITIONS THAT ARE ALREADY ON THE RECORD. PROCEDURES FOR ACHIEVING THIS SHOULD BE FLEXIBLE, AND CAN INCLUDE:

A). INFORMAL MEETINGS OF THE WHOLE TO HEAR COMMENTS ON THE SNT.

B). CONSULTATIONS WITH OR UNDER THE GUIDANCE OF THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 00660 01 OF 02 291831Z

CHAIRMAN ON SPECIFIC ISSUES.

C). DIRECT CONSULTATION AND NEGOTIATIONS AMONG STATES BY WHATEVER MEANS THEY CONSIDER MOST USEFUL.

IN GENERAL, AT LEAST THE AFTERNOONS SHOULD BE RESERVED FOR CONSULTATION.

3. ON THE BASIS OF THESE MEETINGS AND CONSULTATIONS, AN INFORMAL SINGLE SET OF AMENDMENTS TO EACH PART OF THE SNT SHOULD BE PREPARED AND CIRCULATED BY THE

APPROPRIATE CHAIRMAN, HOPEFULLY BY THE END OF THE FOURTH WEEK OF THE CONFERENCE. THESE AMENDMENTS WOULD REFLECT PROGRESS MADE IN NEGOTIATION AND THE JUDGMENT OF THE CHAIRMAN, BASED ON THE RESULTS OF SUCH NEGOTIATION AND CONSULTATION, REGARDING AMENDMENTS TO THE TEXT THAT ARE

DESIRABLE FOR THE PURPOSE OF PROMOTING GENERAL AGREEMENT.

4. INFORMAL COMMENTS THEN WOULD BE MADE BY DELEGATIONS, FOLLOWING THE SAME PROCEDURE, ON THE GENERAL ACCEPTABILITY OF THE SINGLE TEXT AND AMENDMENTS PACKAGE AS A BASIS FOR A FINAL CONVENTION. THESE WOULD BE LIMITED TO AN EVALUATION OF WHETHER A BASIS FOR AGREEMENT EXISTS, SUBJECT TO FURTHER REFINEMENTS IN THE TEXTS.

5. EACH CHAIRMAN, BY THE END OF THE SEVENTH WEEK, COULD REVISE HIS AMENDMENTS IN THE LIGHT OF THE COMMENTS MADE. THE END OF THE SEVENTH WEEK WOULD BE THE FINAL DEADLINE FOR THE PACKAGE OF AMENDMENTS FROM THE CHAIR.

6. AT THE START OF THE EIGHTH WEEK, A REPORT WOULD BE MADE ON ALL ISSUES TO PLENARY ON THE RESULTS OF THIS INFORMAL PROCESS. THE PLENARY WOULD THEN CONSIDER THE MOST APPROPRIATE MEANS FOR ACHIEVING A WIDELY ACCEPTABLE CONVENTION ON THE LAW OF THE SEA.

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PAGE 01 GENEVA 00660 02 OF 02 291829Z

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C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 0660

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7. THE PRESIDENT OF THE CONFERENCE, IN CONSULTATION WITH THE CHAIRMEN OF THE THREE COMMITTEES, WOULD FOLLOW THE SAME PROCEDURE WITH RESPECT TO THE GENERAL DISPUTE SETTLEMENT TEXT. HOWEVER, EACH COMMITTEE WOULD BE FREE TO INCLUDE SPECIAL SUBSTANTIVE OR PROCEDURAL PROVISIONS ON DISPUTE SETTLEMENT IN ITS OWN TEXTS, AND SHOULD DO SO WHERE IT CONSIDERS THIS NECESSARY. THE PRESIDENT AND THE CHAIRMEN OF THE MAIN COMMITTEE WILL ENSURE ADEQUATE COORDINATION OF THESE EFFORTS. END OUTLINE

3. JAPANESE EMPHASIZED THAT POINT 6 IS PROCEDURAL. SOVIETS SUGGESTED REVISED AMENDMENTS UNDER POINT 5 MIGHT COME OUT AT END OF SPRING SESSION; FRENCH CONCURRED. WE SUGGESTED GROUP STICK TO END OF SEVENTH WEEK NOW, AND HOLD SOVIET POSITION IN RESERVE. SOVIETS OBJECTED TO EMPHASIS ON SEPARATE CDS PROCEDURES IN POINT 7; THEY WANT SINGLE TEXT PREPARED IN PLENARY (SUBJECT TO SUPPLEMENTARY PROVISIONS IN COMMITTEE I). FRENCH SAID THERE WOULD HAVE TO BE SOME FORMAL DEBATE IN PLENARY ON SUBSTANCE OF DISPUTE SETTLEMENT; OTHERS AGREED, BUT WE WILL ALL TRY TO LIMIT IT TO ONE OR TWO SESSIONS. AFTER INITIAL ATTACK ON AMERASINGHE TEXT, FRENCH NOW APPARENTLY WILLING TO REFRAIN FROM ATTACKING CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 00660 02 OF 02 291829Z

AMERASINGHE FOR ISSUING TEXT, AND GO ON TO SUBSTANCE.

4. ON SECOND SESSION IN 1976, ONLY JAPANESE (OGISO) FIRMLY STATED THEY WANTED SESSION IN ORDER TO WRAP UP NEGOTIATION, AND ONLY FRENCH (JEANNEL) OPPOSED SECOND SESSION. BRITISH (LOGAL) SAID WE SHOULD MAKE DECISION IN LIGHT PROGRESS MADE IN N.Y. SOVIETS (LOLOSOSVSKY) VAGUE: THEY DID NOT COMMIT THEMSELVES TO SUPPORT SECOND SESSION, WONDERED IF 2 MONTHS BETWEEN SESSIONS IS ENOUGH, BUT SPOKE AS IF THEY EXPECTED SECOND SESSION TO OCCUR.DALE

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